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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 No. 12-1788

10 MINOR N.S., MOTHER C.C., ET AL.,

**ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

11 Plaintiffs,

12 v.

13 SAFEWAY, INC. RETAIL STORES,  
14 ET AL.,

15 Defendants.  
16 \_\_\_\_\_/

17 On April 20, 2012, plaintiffs “Minor N.S.” and “Mother C.C” filed this putative class action  
18 related to defendant Safeway, Inc.’s actions towards plaintiffs after plaintiffs were caught stealing food  
19 and drink from a Safeway grocery store. Along with their complaint, plaintiffs filed an application to  
20 proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 1915(e)(2), a court may deny IFP status  
21 if it appears from the face of the proposed complaint that the action is frivolous or without merit.  
22 *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). On May 17, 2012, Judge Seeborg, who was  
23 originally assigned to this case, denied plaintiffs’ IFP application for failure to assert a claim for relief.  
24 See May 17, 2012 Order, dkt. 9. Judge Seeborg stated that “if plaintiffs do not pay the filing fee by June  
25 16, 2012, the Court may dismiss the action without prejudice.” Plaintiffs thereafter moved for  
26 reconsideration of that order, and moved for a preliminary injunction. See dkt. 11 and 12. On June 5,  
27 2012, Judge Seeborg issued another order denying both motions, and reminding plaintiffs that they must  
28 pay the filing fee to proceed with this action. See June 5, 2012 Order, dkt. 13. On June 7, 2012, this  
Court related the case to two cases currently before the undersigned judge, *Robin Hood v. U.S.*

1 *Government, et al.*, Case Nos. 12-1542 and 12-1788.

2 Because plaintiff has failed to pay the filing fee by June 16, 2012 as required by the May 17,  
3 2012 Order, the Court hereby DISMISSES WITHOUT PREJUDICE plaintiffs' complaint.

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5 **IT IS SO ORDERED.**

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7 Dated: June 18, 2012



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SUSAN ILLSTON  
United States District Judge